

MESSAGE NO: 4180204 MESSAGE DATE: 06/28/2004

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE 3357202
MESSAGE #
(s):

CASE #(s): A-580-839

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 05/01/2002 TO 04/30/2003

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION - NOTIFICATION OF PARTIAL RESCISSION OF ADMINISTRATIVE
REVIEW OF ANTIDUMPING ORDER ON CERTAIN POLYESTER STAPLE FIBER FROM
KOREA (A-580-839)

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CASES: A - 580 - 839

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PERIOD COVERED: 05 01 2002 TO 04 30 2003

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS
PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION - NOTIFICATION OF PARTIAL RESCISSION OF
ADMINISTRATIVE REVIEW OF ANTIDUMPING ORDER ON CERTAIN
POLYESTER STAPLE FIBER FROM KOREA (A-580-839)

1. ON JUNE 10, 2004, (69 FR 32497), THE DEPARTMENT OF COMMERCE
PUBLISHED IN THE FEDERAL REGISTER ITS PRELIMINARY RESULTS OF
ANTIDUMPING DUTY ADMINISTRATIVE REVIEW AND PARTIAL RESCISSION OF
REVIEW ON CERTAIN POLYESTER STAPLE FIBER FROM THE REPUBLIC OF
KOREA (A-580-839), IN WHICH IT PARTIALLY RESCINDED THE
ADMINISTRATIVE REVIEW WITH RESPECT TO THE COMPANIES LISTED BELOW
IN PARAGRAPHS 3 AND 4.

2. IN ACCORDANCE WITH A PRELIMINARY INJUNCTION ISSUED BY THE COURT OF INTERNATIONAL TRADE ON 12/19/2003 (SEE MESSAGE NO. 3357202), DO NOT LIQUIDATE ENTRIES OF ANY PRODUCERS OR EXPORTERS THAT WERE ENTERED BY, THROUGH, OR ON BEHALF OF CONSOLIDATED TEXTILES, INC. ("CONSOLIDATED TEXTILES"), A U.S. IMPORTER OF THE SUBJECT MERCHANDISE, THAT WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 05/01/2002.

3. IN ACCORDANCE WITH MESSAGE NO. 4037204 (DATED 02/06/2004), GEUM POONG CORPORATION LTD. ("GEUM POONG") (A-580-839-003) WAS EXCLUDED FROM THE ANTIDUMPING DUTY ORDER AND NO SUSPENSION OF LIQUIDATION IS REQUIRED. ENTRIES OF SUBJECT MERCHANDISE PRODUCED OR EXPORTED BY GEUM POONG, ENTERED, OR WITHDRAWN FROM WAREHOUSE,

FOR CONSUMPTION ON OR AFTER NOVEMBER 8, 1999, SHOULD HAVE BEEN LIQUIDATED, WITHOUT REGARD TO ANTIDUMPING DUTIES.

4. FOR ALL SHIPMENTS OF CERTAIN POLYESTER STAPLE FIBER FROM THE REPUBLIC OF KOREA PRODUCED OR EXPORTED BY THE MANUFACTURERS LISTED BELOW, AND ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD 05/01/2002 THROUGH 04/30/2003, EXCEPT FOR MERCHANDISE ENTERED BY, THROUGH, OR ON BEHALF OF CONSOLIDATED TEXTILES, THAT WERE ENTERED, OR WITHDRAWN FROM WAREHOUSE, FOR CONSUMPTION ON OR AFTER 05/01/2002, ASSESS AN ANTIDUMPING DUTY LIABILITY EQUAL TO THE CASH DEPOSIT RATE OR BONDING RATE REQUIRED AT THE TIME OF ENTRY. AS A RESULT OF COMMERCE'S AMENDED FINAL ORDER, FOR ENTRIES MADE FROM 09/30/2002 THROUGH 04/30/2003 THE ANTIDUMPING DUTY LIABILITY IS NOT TO EXCEED 7.91 PERCENT OF THE ENTERED VALUE (SEE MESSAGE NO. 4030208).

DAEHAN SYNTHETIC FIBER CO. (A-580-839-011)

DAEYANG INDUSTRIAL CO., LTD. (A-580-839-005)

EAST YOUNG CO., LTD. (A-580-839-012)

ESTAL INDUSTRY CO., LTD. (A-580-839-006)

MIJUNG IND. CO., LTD. (A-580-839-008)

SAMHEUNG CO., LTD. (A-580-839-014)

SAM YOUNG SYNTHETICS CO., LTD. (A-580-839-002)

5. THESE INSTRUCTIONS CONSTITUTE THE IMMEDIATE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES FOR THE PRODUCERS/EXPORTERS LISTED IN PARAGRAPH 4 FOR THE MERCHANDISE AND PERIOD LISTED ABOVE EXCEPT FOR CONSOLIDATED TEXTILES (SEE PARAGRAPH 2 ABOVE). YOU SHALL CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR SUBSEQUENT ENTRIES OF THE SUBJECT MERCHANDISE AT THE CURRENT RATES.

6. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE U.S. CUSTOMS AND BORDER PROTECTION ("CBP") ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE PAYMENT OF ESTIMATED ANTIDUMPING DUTIES IS REQUIRED THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

7. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO

LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

8. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE CONTACT DAVINA HASHMI AT OFFICE OF AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 (GENERATED BY G1O1:AM).

9. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party